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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,787	06/23/2003	Geoff M. Wotton	10014501-2	9512

7590 03/12/2004

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

NGUYEN, THINH H

ART UNIT	PAPER NUMBER
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2861

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

— SUPPLEMENTAL —

Office Action Summary

Application No.

10/601,787

Applicant(s)

WOTTON ET AL.

Examiner

Thinh H Nguyen

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5 and 8-22 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 6 and 7 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claim 8 is objected to because of the following informalities: the phrase "configured disengage" should have been "configured to disengage". Appropriate correction is required.

Double Patenting

2. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

3. Claims 8-22 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 11-29 of prior U.S. Patent No. 6,637,858. This is a double patenting rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 5, 14, 17, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over prior art of record to Anderson et al. in view of Hashi et al. (U.S. 6,578,945)

Anderson et al. discloses the instant claimed printbar assembly (14) that pivot from the print position to the maintenance position (col.2, lines 47-58; fig.2-4) by means of the hinge (30);

the wiper assembly (as described by maintaining carriage 16 and rails 24) configured to service printheads on the hinged printbar.

Anderson does not disclose each printbar comprising a number of module;
the wiper assembly includes one or more printheads caps configured to cover the one or more printheads on the hinged printbar assembly, and includes a guide configured to engage a slidable member of the wiper when the one or more print modules are in the service position.

Hashi teaches the printbar or pagewidth printhead using a multiple sub-heads or modules (fig.4) thereby to provide the manufacturing process with ease and enhance printing speed;

wiper assemblies (figs.10A-10E) each having one or more caps for the respective print modules for recovery process, and includes a guide (69c1, 69c2; figs.11, 12; cols.10-11) configured to engage a slidable member (66a, 66b) of the wiper when the one or more print modules are in the service position. Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Anderson et al. modules printbar and the wiper assembly as taught by Hashi.

The purpose of the modification is to easily facilitate nozzle alignment of the printbar manufacturing process and improve better movement of the wiper.

Allowable Subject Matter

6. Claims 3-4, 6-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. In response to applicant's telephone inquiry of paragraphs 3 and 4 regarding the last Office action, the following corrective action is taken.

8. A complete copy of the last Office Action is enclosed.

9. No new period for reply is set by this Supplemental Office action as requested.

Contact Information

10. Any inquiry concerning this communication should be directed to examiner Thinh Nguyen at telephone number (571) 272-2257. The examiner can generally be reached Mon-Friday from 9:00A – 5:00P. The official fax phone number for the organization is (703) 872-9306.

The examiner supervisor, Stephen Meier, can also be reached at (571) 272-2149.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1782.


Thinh Nguyen

March 5, 2004

**Thinh Nguyen
Primary Examiner
Technology Center 2800**